

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 293

**51st Legislature, 2nd Session, 2014**

**Tracking Number:** .195802.2

**Short Title:** Carlos Vigil Memorial Act & Prevent Bullying

**Sponsor(s):** Senator Jacob Candelaria and Representative James E. Smith, and Other

**Analyst:** Kevin Force

**Date:** February 13, 2014

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**Bill Summary:**

SB 293 would create new sections of law relating to state educational institutions<sup>1</sup> to establish the *Carlos Vigil Memorial Act*, the purposes of which are to:

- cultivate a school culture where bullying is unacceptable;
- educate school communities about recognizing bullying and understanding its potential consequences; and
- provide grants for service-providers and programs for the prevention and eradication of bullying in schools.

Other provisions of the *Carlos Vigil Memorial Act* include:

- the creation of the Carlos Vigil Memorial Board, which shall review grant applications and award grants from the “Eradicate Bullying Fund,” and which shall:
  - consist of five voting members who:
    - shall provide expertise in:
      - ✓ providing services in an organization focused on preventing bullying or suicide;
      - ✓ providing services in an organization focused on counseling and support services to bullying victims and perpetrators;
      - ✓ administering schools or providing teacher professional development on the topics of bullying or suicide prevention;
      - ✓ leading communities; and
      - ✓ providing public health services; and
    - be composed of five members, one each to be appointed by:
      - ✓ the President Pro Tempore of the Senate of New Mexico;
      - ✓ the Senate Minority Leader;
      - ✓ the Speaker of the House of Representatives of New Mexico;

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<sup>1</sup> Chapter 21 NMSA 1978

- ✓ the House Minority Leader; and
  - ✓ the Governor, from the staff of the Department of Health (DOH);
- parameters for the operation of the board, including:
  - a chair to be elected by a quorum of the board;
  - meetings to be held at least once a year, but whenever called by the chair or requested by two members, in writing;
  - provision for appointments to last for two years, with vacancies to be filled by appointment of the Governor; and
  - provision for public members of the board to be paid per diem and mileage, according to the *Per Diem and Mileage Act*;
- the duties of the board, including:
  - the promulgation of rules regarding the requirements and review of grant applications;
  - the review of such applications, from public agencies, including schools, and nonprofits that have expertise in providing services for the prevention and eradication of bullying;
  - awarding grants to the most qualified applicants, reaching a broad spectrum of schools; and
- the creation of the “Eradicate Bullying Fund” in the state treasury, to be administered by the Board of Regents of the University of New Mexico (UNM) for disbursement to grant recipients, the unexpended and unencumbered balances of which shall not revert to the General Fund, and which shall consist of:
  - money appropriated to the UNM Board of Regents by the Legislature to accomplish the purposes of the act;
  - grants, gifts, donations and bequests to the fund; and
  - earnings from investments of the money in the fund.

**Fiscal Impact:**

\$ 200,000 is appropriated to the Eradicate Bullying Fund from the General Fund for expenditure in FY 15, and subsequent fiscal years to carry out the provisions of the act, with remaining balances to be non-reverting.

**Substantive Issues:**

According to the 2011 *New Mexico Youth Risk and Resiliency Survey (YRRS)*:<sup>2</sup>

- 18.7 percent of high school students were bullied on school property, with:

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<sup>2</sup> The YRRS is a biannual survey of New Mexican high school and middle students conducted in odd-numbered years, as part of the national CDC Youth Risk Behavior Surveillance System. The results of each survey are generally available and published in the summer or fall of the year following the survey, and cover a range of topics, including general health, alcohol and drug use, violence, suicide, bullying, nutrition, etc. See: <http://www.youthrisk.org/>.

- no statistically significant difference from bullying rates in 2009 (19.5 percent);
  - no significant difference from the national rate of bullying incidence on school property (20.1 percent);
  - no statistically significant difference between bullying rates for each gender, with an incidence of on-campus bullying of 17 percent for boys, and 20.5 percent for girls;
  - the rate of bullying decreasing by grade level, with an incidence of 23.9 percent for students in ninth grade, and 13.2 percent for twelfth grade;
  - no significant difference in the incidence of on-campus bullying related to either the student's parents' educational attainment or grades earned by the student; and
  - rates of bullying varying among ethnic groups:
    - Asian Americans or Pacific Islanders, 26.3 percent;
    - Caucasians, 22.5 percent;
    - African-Americans, 21.8 percent;
    - Hispanics, 17 percent; and
    - Native Americans 13.8 percent;
- 13.2 percent of high school students were electronically bullied,<sup>3</sup> with girls, at 18.5 percent, being more likely to be electronically bullied than boys, with an incidence rate of 8.2 percent.
  - 43.7 percent of middle school students were bullied on school property, an increase of 22.5 percent over the last survey results, in 2009, with:
    - no statistically significant difference between the incidence of bullying for boys (40.9 percent) and girls (46.6 percent);
    - no significant difference between the incidence of bullying among the various grade levels;
    - no statistically significant difference associated with differences in grades earned by students; and
    - rates of bullying varying among ethnic groups:
      - Caucasians, 54.4 percent;
      - Native Americans, 40.9 percent;
      - Asian Americans or Pacific Islanders, 42.5 percent;
      - Hispanics, 40.5 percent; and
      - African-Americans, 37.1 percent.

As noted in the Fiscal Impact Report (FIR) offered by the Legislative Finance Committee (LFC), StopBullying.gov, a government website managed by the U.S. Department of Health & Human Services, indicates the effects of bullying include impacts on mental health and substance abuse, with:

- victims of bullying more likely to experience depression and anxiety, increased feelings of sadness and loneliness, changes in sleep and eating patterns, health complaints, and decreased academic achievement; and
- bullies more likely to abuse alcohol and other drugs in adolescence and, as adults, get into fights, vandalize property, drop out of school, and abuse romantic partners, spouses, or children.

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<sup>3</sup> 2011 is the first year that a question on cyber, or electronic, bullying had been included in the YRRS.

DOH notes a number of national statistics on the impact of bullying, particularly its potential to exacerbate suicidal tendencies among adolescents. For example:

- in 2011, about 28 percent of students between the ages of 12 and 18 reported being bullied at school,<sup>4</sup> with:
  - 18 percent reporting name-calling, insults, or other verbal abuse; that they were made fun of, called names, or insulted;
  - 18 percent reporting being the subject of rumors;
  - 5.0 percent being threatened with harm;
  - 3.0 percent reporting being coerced by others to do things they did not want to do; and
  - 21 percent of students who were pushed, shoved, tripped, or spat upon at school during the school year reporting being injured as a result of the incident
  - 9.0 percent reporting being cyber-bullied;
  - 4.0 percent indicating that another student had posted hurtful information online or being subjected to harassing text messages;
  - 3.0 percent being subjected to harassing instant messages;
  - 2.0 percent experiencing harassing emails; and
  - 1.0 percent indicated that their private information was purposefully shared online;
- ABC News has reported:
  - nearly 30 percent of students are either bullies or victims of bullying; and
  - 160,000 students stay home from school every day due to fear of bullying; and
- According to the Centers for Disease Control and Prevention, suicide is the third leading cause of death among young people, resulting in about 4,400 deaths per year, with:
  - every suicide among young people corresponds to at least 100 suicide attempts; and
  - over 14 percent of high school students have considered suicide, and almost 7.0 percent have attempted it;
- bullying victims are between two and nine times more likely to consider suicide than non-victims, according to studies by Yale University;<sup>5</sup> and
- in New Mexico, suicide is the second-leading cause of death for young people between the ages of 15 and 24;
- the YRRS indicates that about 12 female and five male high school students out of 100,000 in the state reported attempting suicide in the 12 months prior to taking the survey; and
- exposure to bullying is more prevalent among lesbian, gay, bisexual, transgender, and questioning (LGBT) youth, with nearly 90 percent of students reporting sexual orientation- or gender-related bullying.<sup>6</sup>

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<sup>4</sup> National Center for Education Statistics, Indicators of School Crime and Safety, 2012

<sup>5</sup> See [www.bullyingstatistics.org](http://www.bullyingstatistics.org).

<sup>6</sup> 2007 National School Climate Survey, 2008.

**Background:**

Carlos Vigil, a 17-year-old LGBT high school student from Los Lunas who had been actively working to prevent bullying in schools, committed suicide on July 16, 2013. News reports indicated that his family claimed Carlos had been the victim of bullying since elementary school, with abuse centered around topics ranging from his weight, adolescent acne, and need for glasses, to his sexual orientation. His parents report that their family had transferred him from one school to another, attempting to shield him from the constant pain of being a target at school. Just before he died, Carlos had been in North Carolina, working to get an anti-bullying bill passed in that jurisdiction. Carlos' father reported that his son tried to counsel other bullied teens, but was ultimately unable to overcome his own trials.<sup>7</sup>

**Committee Referrals:**

SCC/SEC/SFC

**Related Bills:**

None as of February 13, 2014.

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<sup>7</sup> See "Father Speaks out about Son's Attempted Suicide" KRQE News, at: <http://www.kob.com/article/stories/s3098570.shtml>.